



Glossary

Conflict of Interest Law Online Training Program

Term	Definition
Acting as Agent	Taking action on behalf of another by speaking or writing, serving as spokesman, contacting others, appearing before an agency, attending meetings, signing or submitting documents or applications, preparing documents that require a professional seal, serving as attorney, or similar actions.
Appointing Authority	The person who appointed a public employee to his public position, or that person's successor in office.
Confidential	Required to be protected by the Massachusetts Public Records Law, G.L. c. 4, section 7, clause 26th.
Conflict of Interest Law	G.L. c. 268A, the Conflict of Interest Law as amended most recently by chapter 194, Acts of 2011.
Contract	An agreement of any type by two or more parties.
Corrupt Intent	A purpose to influence official action improperly.
Direct and substantial interest	An interest that is not remote, tenuous, or inconsequential.
Disclosure Form	A written statement that sets forth all the relevant facts.
Exemption	Immunity from a requirement of the conflict of interest law that would otherwise apply.
Fair Market Value	The value that a willing buyer would pay, and a willing seller would accept, for property in an arm's length transaction.
Financial Disclosure Law	G.L. c. 268B, the Financial Disclosure Law, as amended most recently by c. 194, Acts of 2011.
Financial Interest	A direct or reasonably foreseeable monetary stake in a matter; can be negative or positive, and of any size.
General Legislation	Legislation which is intended to be permanent, amends the General Laws, and establishes rules of general applicability to those similarly situated.
Immediate Family Member	The state or county employee and his spouse, and their parents, children, brothers and sisters.

Incidental Hospitality	Hospitality provided at a weekday group program, the primary purpose of which is to give elected employees and/or their staff members information concerning current issues in the Commonwealth.
Legitimate Public Purpose	An activity has a legitimate public purpose if it is intended to promote the interests of the Commonwealth, a county, or a municipality.
Level of Government	The levels of government to which the conflict of interest law is applicable are Massachusetts state, county, and municipal government.
Lobbying	Any act to promote, oppose, influence, or attempt to influence legislation or any executive decision.
Lobbyist	Any person who meets the definitions of an "executive agent" or a "legislative agent" as set forth in G.L. c. 3, section 39.
Ministerial Matter	A matter is "ministerial" if it does not involve the exercise of judgment or discretion.
Municipal Agency	Any department or office of a city or town government and any council, division, board, bureau, commission, institution, tribunal or other instrumentality thereof or thereunder.
Municipal Employee	A person performing services for or holding an office, position, employment or membership in a municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent, or consultant basis, but excluding (1) elected members of a town meeting and (2) members of a charter commission established under Article LXXXIX of the Amendments to the Constitution.
Negotiating for Prospective Employment	A public employee is considered to be negotiating for prospective employment with a person or entity where there has been a mutual expression of interest in the possibility of employment, for example because the public employee and the entity have scheduled a meeting to discuss the availability of a position and the public employee's qualifications for the position.
Nepotism	Favoritism granted to relatives regardless of merit.
Official Act	Any decision or action in a particular matter or in the enactment of legislation.
Official Responsibility	The direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and whether personal or through subordinates, to

	approve, disapprove or otherwise direct agency action.
Participate	Participate in agency action or in a particular matter personally and substantially as a state, county or municipal employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise.
Particular Matter	Any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation by the general court and petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property.
Partnership	Individuals who join formally or informally in a joint business venture, whether or not a formal partnership arrangement exists.
Policy Making Position	Any of the positions set forth in the definition of "major policy making positions" in the Commission's regulations, 930 CMR 2.02.
Quasi-judicial proceeding	A proceeding is quasi-judicial if it is an adjudicatory agency proceeding, the agency action is appealable to the courts, both sides are entitled to representation by counsel, and such counsel is neither the attorney general nor counsel for the agency conducting the proceeding.
Recuse	To remove oneself from participation in a matter.
Solicit	Ask for or request.
Special Legislation	Legislation addressed to a particular situation that does not establish a rule of future conduct with any substantial degree of regularity, and may provide ad hoc benefits of some kind for an individual or a number of individuals.
Special Municipal Employee	A municipal employee who is not a mayor, a member of the board of aldermen, a member of a city council, or a selectman in a town with a population in excess of ten thousand persons and whose position has been expressly classified by the city council, or board of aldermen if there is no city council, or board of selectmen, as that of a special employee under the terms and provisions of this chapter; provided, however, that a selectman in a town with a population of ten thousand or fewer persons shall be a special municipal employee without being expressly so classified. All employees who hold equivalent offices, positions, employment or membership in the same municipal agency shall have the same classification; provided, however, no municipal employee shall be

	classified as a "special municipal employee" unless he occupies a position for which no compensation is provided or which, by its classification in the municipal agency involved or by the terms of the contract or conditions of employment, permits personal or private employment during normal working hours, or unless he in fact does not earn compensation as a municipal employee for an aggregate of more than eight hundred hours during the preceding three hundred and sixty-five days. For this purpose compensation by the day shall be considered as equivalent to compensation for seven hours per day. A special municipal employee shall be in such status on days for which he is not compensated as well as on days on which he earns compensation.
Substantial Value	Anything valued at \$50 or more.
Travel Expenses	Necessary and reasonable expenses incurred by a public employee in order to engage in an activity that serves a legitimate public purpose, including air, train, bus, and taxi fare, rental car hire, the cost of meals and lodging, and expenses related to attendance at an event including the costs of registration, admission, tickets, food, refreshments, instruction, materials, and entertainment.
Unwarranted Benefit or Privilege	A benefit or privilege is unwarranted if it lacks legal justification or is otherwise groundless.